

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CYNTHIA ZYCH et al., individually and
on behalf of other similarly situated
persons,**

Plaintiff,

v.

PAMIDA STORES OPERATING CO., LLC,

Defendant,

CASE NO. 8:09CV119

ORDER

This matter is before the Court on the Plaintiff Cynthia Zych's Motion to Dismiss (Filing No. 22). Defendant Pamida Stores Operating Co., LLC, has indicated that it has no objections to the motion. Further, Defendant has represented to the Court that both parties have agreed that the dismissal will be with prejudice with the parties bearing their own costs and attorney fees. The Court therefore finds the Motion should be granted.

Accordingly,

IT IS ORDERED:

1. The Plaintiff's Motion to Dismiss (Filing No. 22) is granted;
2. Plaintiff's claims against Defendant Pamida Stores Operating Co., LLC, are dismissed, with prejudice;
3. The parties will pay their own costs and attorney fees; and
4. The Clerk is directed to close this case.

DATED this 9th day of October, 2009.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge